



THE VERDICT

Affiliate of the National Association of Legal Assistants ❖ Affiliate of the California Alliance of Paralegal Associations

February 2011

Volume XXIV, No. 1

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Please Remember: The statements and opinions printed in the newsletter are those of the contributors only and are not necessarily those of VCPA. Publication does not imply endorsement.

President's Message

by Jami Knupp, VCPA President

Happy New Year! I hope everyone had wonderful holidays.

As with every new day, every new year brings with it possibilities. I reflect on the past year and think about how to make those possibilities reality, how about you? What is possible for you this year? Is your answer anything? Mine is.

The new year sometimes brings the feeling with it that one needs to resolve, to change things or improve things. VCPA is changing and improving things. The Springtime MCLE Conference planning is in full swing. Although it is an event that is not new for VCPA, this year we do have a new location. The Conference will be held at the Courtyard by Marriott in Oxnard. Check out the registration form and take advantage of the early bird prices. The planning committee has some great topics scheduled and it is a great way to earn your continuing education credits and stay in compliance with Business & Professions Code 6450.

Another "new" for VCPA is that beer tasting is being added to our Wine Tasting and Silent Auction and it, too, will be at a new location, the Courtyard by Marriott in Oxnard.

I am sure committee chairs for both events, Maria Godinez and Laura Viets, would love a few extra hands to help out with the planning.

I look forward to seeing you at our general meetings and the other VCPA events. Until then, I wish each and every one of you a wonderful year filled with possibilities.

EDUCATION

AT THIS TIME WE DO NOT HAVE AN EDUCATION CHAIR. If you are interested in volunteering, please contact: Jami Knupp, President of VCPA at vcpa.president@gmail.com

Scholarships

The Ventura County Paralegal Association is continuing its longstanding tradition of giving back to the legal community by offering two scholarships each year to residents of Ventura County. Once again, students in good standing at one of our three local paralegal/legal assistant programs are invited to apply for VCPA's \$400.00 scholarship. Likewise, paralegals who meet the requirements of Business and Professions Code section 6450, and desire to become certified or obtain advanced certification, are invited to apply for VCPA's \$250.00 scholarship. Look for a copy of the scholarship application in this month's edition of The Verdict. The application is also available on our web site at <http://www.vcpalegal.org>

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CLASSIFIEDS

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Do you have a service to offer, something to sell, something you've been looking for? Advertise for three months in the Classified Directory. Fax or e-mail information to Maria Godinez, VCPA Newsletter Editor, (805) 988-9886 ext. 134; FAX: (805) 988-1937, E-mail: VCPA.newsletter.editor@gmail.com.

YOUR CONTRIBUTIONS AND OPINIONS ARE IMPORTANT TO US!

If you would like to write an article or if you've read something interesting pertaining to the legal profession, send it in for future publication. Whenever possible, please submit articles by e-mail (in WordPerfect 11 or MS Word format). If you send a copy of an article from a printed source, please include the name of the publication, the name of the author and date it was published. Articles must be received by the 15th of each month to be included in the following month's issue. Please send articles, ideas, opinions and comments to: Maria Godinez, VCPA Newsletter Editor, FAX: (805) 654-0911, or E-mail: vcpa.newsletter.editor@gmail.com.

The Verdict is a monthly publication of The Ventura County Paralegal Association. The statements and opinions printed in the newsletter are those of the contributors only and are not necessarily those of VCPA. Publication does not imply endorsement. This newsletter is designed to provide accurate information only and should not be relied on as a substitute for legal advice.



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VCBA 5K REPORT

By: Donald A. Zrehigian, VCBA Liaison

VCBA is getting the word out early this year: We need volunteers to help the Ventura County Bar Association with what many feel is one of the best 5Ks in Southern California: VCBA's Law Day 5K Walk/Run. Each year this event gets bigger and better. Please help us make this great event even better. For information please contact Don Zrehigian at (805) 745-2187 or email him at dzrehigian@venocoinc.com.

VCBA would like to say

Happy Birthday to the following members!

Carol Reed
Elena Martinez
Janice Stelhorn
Pamela LaRosa
Sandra Puga

We hope everyone has a wonderful birthday!



The advertisement features a large orange house icon on the left. A green path starts from the bottom left, curves upwards, and ends at the house icon. At the bottom left of the path, there is a small photograph of an elderly couple sitting together and looking at a book. The background is a light beige color.

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The LivHOME logo consists of a small orange house icon to the left of the word "LivHOME" in a bold, sans-serif font. Below the word "LivHOME" is the tagline "Live long. Live well. LivHOME.*" in a smaller, italicized font.

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INTERESTED IN HAVING YOUR ARTICLE IN THE VERDICT?

*VCPA will give you a **\$25.00** gift card of your choice for each article that is approved by the board.*

Please email your articles(s) to Maria Godinez at: vcpa.newsletter.editor@gmail.com.

Please remember: The statements and opinions printed in the newsletter are those of the contributors only and are not necessarily those of VCPA. Publication does not imply endorsement.

WINE TASTING REPORT

By: Laura Viets, Wine Tasting Chair

CALLING ALL WINE TASTERS AND BEER TASTERS TOO!!

VCPA is hosting it's 15th Annual Wine Tasting and Silent Auction, and we're adding beer tasting too! We need your assistance to help make this a night to remember.

Mark your calendars for Thursday, May 19, 2011 at a new location, the Courtyard by Marriott located at 600 East Esplanade Drive, in Oxnard.

Help us by either becoming a Sponsor or a Donor for the event. Be a "Sponsor" by contributing \$150.00 to the production of this event; and/or be a "Donor" by donating services, products, or gift certificates for the silent auction. As a "Sponsor" either way, you or your company or organization will reap great benefits. If you have a service or product that you would like to donate or if you would like to donate something but need ideas, we can help.

Checks for sponsorship can be made payable to VCPA and mailed to P.O. Box 24229, Ventura, CA 93002, Attn: Wine Tasting/Silent Auction. Arrangements for the pick-up/delivery of donated items can be made by calling Laura Viets at (805) 758-1171 or e-mailing vcpa.winetasting@gmail.com. In the alternative, items can be mailed to VCPA Wine Tasting, Post Office Box 24229, Ventura, CA 93002.

All sponsorships and donations must be confirmed by March 25, 2011 to be advertised on the event flyer.
All sponsorships and donations must be confirmed by May 12, 2011 to be advertised in the program.

If you would like more details about becoming a donor or a sponsor, contact Laura Viets at (805) 758-1171 or e-mailing vcpa.winetasting@gmail.com.

We thank you in advance for your support of VCPA in its effort to raise money for the Volunteer Lawyers Services Program. This is an excellent opportunity to advertise to the legal community while donating to a worthy and much needed service for our community.

Still waiting for your transcript?



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California Electronic Discovery 101

By: Julie A. Goren, Esq.

Business and personal files of documents in paper form have been, and continue to be, routinely produced for inspection and copying. Today, however, most information is: (i) in digital rather than paper form (word processing, databases, and spreadsheets), (ii) located in numerous types of electronic devices (computers, printers, email, cell phones), and (iii) stored in all sorts of media (hard drives, flash memory, backup tapes, network servers). Discovery of this digitally stored information, often referred to as "electronic discovery" or "e-discovery," is the subject of the California "Electronic Discovery Act," enacted in 2009. Here are some highlights of the Act:

- ◆ C.C.P. §2016.020 defines electronic as *"relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities,"* and *"electronically stored information"* ("ESI") as *"information that is stored in an electronic medium."*
- ◆ C.C.P. § 2031.030 allows a party demanding inspection of ESI to specify the form in which the ESI is to be produced. If not specified, C.C.P. § 2031.280 allows the responding party to produce the ESI in a form in which it is ordinarily maintained or that is reasonably usable. The responding party may object to the form specified by the demanding party.
- ◆ C.C.P. § 2031.060 deals generally with protective orders relating to inspection demands, and specifically addresses those based upon claims that ESI is not reasonably accessible because of undue burden or expense. It sets forth the moving party's and the opposing party's burdens of proof, and gives the court authority to set conditions for the discovery of ESI.
- ◆ C.C.P. § 2031.285 deals with inadvertent disclosure of privileged or protected ESI. The party who produced the ESI may notify the demanding party of the basis for the claim of privilege or other protection. The party who received the ESI must immediately return it, or present it to the court conditionally under seal for a determination of the claim.
- ◆ There are "safe harbor" provisions throughout the code protecting parties from sanctions for failing to produce ESI that has been lost, damaged, altered, or overwritten as a result of the *"routine, good-faith operation of an electronic information system."*
- ◆ When ESI is reasonably likely to be sought, C.R.C., Rule 3.724 requires the parties to meet and confer about preservation of ESI, the form or forms in which it will be produced, the time within which it will be produced, how the cost of production is to be allocated among the parties, etc.

E-discovery is not today limited to large cases or any particular type of case, and it will become more common as we continue the transition to digitally stored information. If you have not yet come into contact with e-discovery, you certainly will soon. It would behoove you to familiarize yourself with the subject as soon as possible through self-study or courses. If you have little or no idea what "metadata," "hidden files," "scrubbing," "culling," "encryption," "archival ESI," "protocols," and "de-duplication" are, or if, prior to reading this article, you thought that e-discovery meant serving discovery demands via email, you best get moving!

SPRINGTIME MCLE REPORT

California Civil Litigation and Discovery, a more substantive text on California litigation. She frequently lectures and writes about California state court calendaring, and changes to rules, forms, and codes. For more information about her publications, visit www.litigationbythenumbers.com.

By: Maria Godinez,

VCPA Annual Springtime MCLE:

On Saturday, **March 5, 2011**, The Ventura County Paralegal Association (“VCPA”) will present its annual Springtime MCLE Conference at the Courtyard by Marriott, in Oxnard (new location). During this one day event attendees will obtain **1 ethics and 3 general MCLE credit for \$19.00 a credit**, if registered before February 26, 2011. Matt Guasco will speak about Ethics and Mediation; Mary Shea, Legal Capacity; Michael Sment, Bankruptcy; and Carolyn Yellis, Legislative Process and Office Politics. In addition, there will be **prizes raffled** by the Exhibitors in attendance. For more information, see flyer at the end of newsletter or contact the event co-chair, Maria Godinez at: godinez.maria.r@gmail.com

Has your e-mail address changed lately?

To continue receiving our newsletter,
and important information on our
general meetings, and upcoming events,
please send an e-mail to Jessica Domingo
at vcpamemberships@gmail.com

Thank you!

CALENDAR OF EVENTS

February 2011

16ST VCPA General Membership Meeting - 5:45 PM TOPIC: CONFLICT OF INTEREST PRESENTED BY: CHRISTOPHER FORTUNATI

Marie Callender's, 1295 S. Victoria Ave. - For more info. e-mail Stacy at: vcpa.vp@gmail.com

March 2011

Saturday March 5th - Springtime MCLE Conference *(Registration form at the end of newsletter)*

Courtyard by Marriott, 600 Esplanade Dr., Oxnard, CA

for more information contact Maria Godinez at: godinez.maria.r@gmail.com

May 2011

19th - The 16th Annual Wine & Beer Tasting and Silent Auction - 6:00 pm to 8:00 pm

Courtyard by Marriott, 600 Esplanade Dr., Oxnard, CA

Benefits Ventura County Legal Services Program and VCPA Scholarship

for more information contact Laura Viets at: lauraviets@gmail.com

California Alliance of Paralegal Association Report

On **June 25, 2011** the California Alliance of Paralegal Associations presents The Golden Gateway to Knowledge hosted by the Paralegal Association of Santa Clara County!

- ◆ We're just 5 months away from the long anticipated 2011 CAPA Conference at Fisherman's Wharf in beautiful San Francisco.

Check out some of the highlights:

5 Hours of MCLE Credit possible in 1 day! And don't forget that one of those credits is the ever elusive ETHICS MCLE! That's only \$23 per MCLE Credit for members who register before April 30th!

Discover great techniques in our Technology Track. Legal professionals will show you how to best utilize *Adobe* and *Excel* in your daily practice, and experts will help you avoid common *Calendaring* pitfalls and keep you up to date on the changing landscape of *eDiscovery*.

Learn something new in our Mixed Bag Track. In this track, you will learn about the latest changes in *Corporate* law, interesting information on the *Social Security Disability* System, how to select a solid *Trademark*, and the ins and outs of employment-based *Immigration* petitions and applications.

Enhance your professional knowledge in our Professionalism Track. Experts and legal professionals will help you learn to polish your *Resume*, give you tips and tricks to *Writing*, tell you about *Certifications* available to paralegals, and what *Business & Professions Code § 6450* means to you.

Networking, Networking, Networking! In today's economy, you cannot underestimate the power of your professional network. Supercharge yours by making contacts from across the State on a personal level not afforded by internet networking sites. Nothing beats an old-fashioned handshake.

Celebrate California Paralegal Day with Paralegals from across the State! Did you know that you have a day of your own, designated by the Governor? Indeed, it coincides each year with the CAPA Conference, and there's no better way to celebrate than with your colleagues near and far.

Raffle prizes! Take advantage of any of the wonderful free Exhibitor raffle prizes offered by our on-site legal services providers, or see your CAPA Representatives and buy a ticket for a chance to win one of several wonderful prizes provided by other CAPA affiliates. Tickets are only \$1 each.

To sign up today, go to www.caparalegal.org and click the registration link on the left.

See you in San Francisco!

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National Association of Legal Assistants Report

Please welcome Diane Mincy, CP as the NALA Liaison for 2010-2011. More to come from her in the next issue of the Verdict. In the meantime if you need to contact her please do so by email her at: demaminicy@yahoo.com.

VCPA Employment Job Bank Policy and Procedure

If you would like to be added to the job postings email, please send an email to Elvira R. Abdon at vcpaemploy@yahoo.com.

If you are looking for a job or have a job opening:

1. Any VCPA member who wishes to be informed of employment opportunities which become known to VCPA should contact the VCPA Employment Chairperson(s) who will maintain a confidential list of persons seeking employment. When a job opening becomes known to the Employment Chairperson(s), all the persons on the employment list will be informed of the position within 24 hours, regardless of the job seekers' qualifications and the requirements of the opening.

2. Any other VCPA Board Member who is made aware of employment opportunities or who is contacted by members wishing to be on the employment list, will pass on the information to the Employment Chairperson(s) within 24 hours of notification.

3. All employment opportunities will be posted on VCPA's website at www.vcparalegal.org for 30 days or until filled, whichever occurs first. It is the responsibility of the Employment Chairperson(s) to notify the Web Administrator whether a posted position has been filled.

4. The Employment Chairperson(s) will not utilize employment opportunities for their own benefit.

5. Access to employment opportunities which are made known to VCPA are available to VCPA members only. Anyone may advertise a legal assistant employment opportunity within VCPA. There is no fee for this service. Personnel agencies may advertise specific employment opportunities free of charge; however, information regarding general services available via personnel agencies must be made through paid advertising in VCPA's newsletter.

If you are a student looking for an internship, or have an internship to offer:

1. Internships are valuable for students enrolled in legal assistant certificate programs who wish to gain supervised practical experience in a law office or other environment where legal assistants are utilized. Interested persons should contact the VCPA Employment Chairperson(s) who will maintain a list of students seeking internships. When an internship becomes known to the Employment Chairperson(s), all the students on the internship list will be informed of the position within 24 hours, regardless of the students' qualifications and the requirements of the opening, if any.

2. Any other VCPA Board Member who is made aware of interning opportunities or who is contacted by student members wishing to be on the internship list, will pass on the information to the Employment Chairperson(s) within 24 hours of notification.

3. All interning opportunities will be posted on VCPA's website at www.vcparalegal.org for 30 days or until filled, whichever occurs first. It is the responsibility of the Employment Chairperson(s) to notify the Web Administrator whether a posted position has been filled.

4. Access to interning opportunities which are made known to VCPA are available to VCPA members only. Anyone may advertise a legal assistant interning opportunity with VCPA. There is no fee for this service.

BENEFITS OF MEMBERSHIP IN VCPA

- ☞ Dinner meetings, open to members and guests each month with informative guest speakers and in many cases, MCLE credit.
- ☞ Monthly newsletter, The Verdict
- ☞ Employment referrals and résumé bank
- ☞ Members only access to most current job listings on website: www.vcpalegal.org
- ☞ Networking opportunities
- ☞ Three months free advertising in the Classified section of The Verdict
- ☞ Medical, dental, vision, COBRA conversion, life insurance, group plans by Independent
- ☞ Preferred home financing provided by Partners Funding Corporation
- ☞ Educational and seminar discounts including UCSB and other CLAE/MCLE courses and VCPA-sponsored CLA Review Courses
- ☞ Affiliate membership in the California Alliance of Paralegal Associations
- ☞ Affiliate membership in the National Association of Legal Assistants
- ☞ Student membership discount
- ☞ Annual Wine Tasting and Silent Auction
- ☞ Annual Springtime MCLE Educational Seminar
- ☞ Up-to-date news pertaining to the profession on local, state and national levels

For more information or to receive a membership application, please contact Jessica Domingo, VCPA's Second Vice-President/Membership at vcparamembership@gmail.com.

VCPA'S CODE OF ETHICS & PROFESSIONAL RESPONSIBILITY

The canons of ethics set forth hereafter are adopted by the National Association of Legal Assistants, Inc., as a general guide intended to aid legal assistants and attorneys. The enumeration of these rules does not mean there are not others of equal importance, although not specifically mentioned. Court rules, agency rules and statutes must be taken into consideration when interpreting the canons. (Note: Legal Assistant and paralegal are used interchangeably.)

CANON I A legal assistant must not perform any of the duties that attorneys only may perform or take any actions that attorneys may not take.

CANON II A legal assistant may perform any task which is properly delegated and supervised by an attorney, as long as the attorney is ultimately responsible to the client, maintains a direct relationship with the client, and assumes professional responsibility for the work product. (See NALA Model Standards and Guidelines for Utilization of Legal Assistants, Sections IV and VII.)

CANON III A legal assistant must not (See NALA Model Standards and Guidelines for Utilization of Legal Assistants, Section VI):

(a) engage in, encourage, or contribute to any act which could constitute the unauthorized practice of law;

(b) establish attorney-client relationships, set fees, give legal opinions or advice or represent a client before a court or agency unless so authorized by that court or agency; and

© engage in conduct or take any action which would assist or involve the attorney in a violation of professional ethics or give the appearance of professional impropriety.

CANON IV A legal assistant must use discretion and professional judgment commensurate with knowledge and experience but must not render independent legal judgment in place of an attorney. The services of an attorney are essential in the public interest whenever such legal judgment is required. (See NALA Model Standards and Guidelines for Utilization of Legal Assistants, Section VII.)

CANON V A legal assistant must disclose his or her status as a legal assistant at the outset of any professional relationship with a client, attorney, a court or administrative agency or personnel thereof, or a member of the general public. A legal assistant must act prudently in determining the extent to which a client may be assisted without the presence of an attorney. (See NALA Model Standards and Guidelines for Utilization of Legal Assistants, Section V.)

CANON VI A legal assistant must strive to maintain integrity and a high degree of competency through education and training with respect to professional responsibility, local rules and practice, and through continuing education in substantive areas of law to better assist the legal profession in fulfilling its duty to provide legal services.

CANON VII A legal assistant must protect the confidences of a client and must not violate any rule or statute now in effect or hereafter enacted controlling the doctrine of privileged communications between a client and an attorney. (See NALA Model Standards and Guidelines for Utilization of Legal Assistants, Section V.)

CANON VIII A legal assistant must do all other things incidental, necessary, or expedient for the attainment of the ethics and responsibilities as defined by statute or rule of court.

CANON IX A legal assistant's conduct is guided by bar associations' code of professional responsibility and rules of professional conduct

VCPA

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If you are interested in serving on a committee, please contact Jami Knupp, CP.
Visit VCPA on the Web at: www.vcparalegal.org

Springtime MCLE Program

SATURDAY, MARCH 5, 2011

Presented by the
Ventura County Paralegal Association

4 Hours of MCLE Credit for Legal Professionals

Location: Courtyard by Marriott 600 Esplanade Drive Oxnard, California Discount code: MCL	
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8:00 a.m. to 9:00 a.m. - Pavilion/Arbor	Registration, Vendor Viewing, and Continental Breakfast
9:00 a.m. to 10:00 a.m. (1 Hr. Ethics MCLE) – Pavilion/Arbor	<i>TOPIC: Ethics</i> <i>Keynote Speaker: Matt Guasco, Esq.</i>
10:00 a.m. to 10:15 a.m.	Break and Vendor Viewing
10:15 a.m. to 11:15 a.m. (1 Hr MCLE) - Pavilion/Arbor	<i>TOPIC: Legal Capacity</i> <i>Speaker: Mary Shea, Senior Deputy Public Defender for the County of Ventura</i>
11:15 a.m. to 11:30 a.m.	Break and Vendor Viewing
11:30 a.m. to 12:30 p.m. (1 Hr MCLE) - Pavilion/Arbor	<i>TOPIC: Bankruptcy</i> <i>Speaker: Michael R. Sment</i>
12:30 p.m. to 1:30 p.m.	Lunch and Vendor Drawings - Pavilion/Arbor
1:30 p.m. to 2:30 p.m. (1 Hr MCLE) - Pavilion/Arbor	<i>TOPIC: Legislative Process and Office Politics</i> <i>SPEAKER: Carolyn Yellis</i>
2:30 p.m. to 2:45 p.m. - Pavilion/Arbor	Vendor Drawings, and Puzzle Drawing

An MCLE-Qualified Educational Conference for Legal Professionals

SPRINGTIME MCLE PROGRAM
Registration Form

NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE _____

DAYTIME TELEPHONE: _____ EMAIL: _____

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REGISTRATION FEES:

\$ 52.00 STUDENT MEMBER

\$ 76.00 EARLY BIRD

\$ 88.00 AFTER 02/26/10

\$ 96.00 AT THE DOOR



No refunds after February 26, 2011 (If any questions, please call Maria at (805) 988-9886)

PAYMENT BY CHECK ONLY, MADE PAYABLE TO **VCPA**. SEND REGISTRATION FORM & CHECK TO:

Jami Knupp, CP, VCPA Treasurer

P. O. Box 24229

Ventura, CA 93002

Registration confirmations by e-mail only.

Courtyard by Marriott

600 Esplanade Drive

Oxnard, California

Phone: (805) 988-3600

Discount hotel rate: \$99.00 for attendees. Make your reservations by March 1, 2011, and give code MCL for discount.

Coming from the North: 101 heading south. Take the Vineyard off ramp; at the stoplight, Vineyard, make a right turn. Make a left at the first stoplight unto Esplanade Drive Blvd. The hotel and parking lot will be on your right.

Coming from the South: 101 heading north. Take the Vineyard off ramp; at the stoplight, Vineyard, make a left turn. Make a left at the second stoplight unto Esplanade Drive Blvd. The hotel and parking lot will be on your right.